

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

In the Matter of:

Pace Post Office
Pace, Mississippi 38764

Docket No. A2012-50

COMMENTS OF UNITED STATES POSTAL SERVICE

(January 11, 2012)

This proceeding involves an appeal to the Commission under 39 U.S.C §404(d) by customers of the Pace Post Office who seek a remand of the Postal Service *Final Determination To Close The Pace, MS Post Office And Establish Service by Rural Route Service* (FD).¹ Thirteen documents from customers of the Pace Post Office were filed reflecting opposition to the FD and customers' appeal of it to the Commission.² While Order No. 979 (November 18, 2011) noticed this appeal and set the procedural schedule, the procedural schedule in

¹ The name of the Post Office subject to this appeal is the Pace Post Office. The Postal Service itself commonly capitalizes the term "Post Office, as a trademark called for by *Brand and Policy – Directives and Forms Style Guide*, Chapter 2 (*Postal Service Terms and General Words and Phrases*; Table 23, *General Words and Phrases*). While the Commission has typically chosen not to use this convention for acknowledging Postal Service intellectual property rights, it is not alone in that practice; nor is adherence by postal officials perfect. However, the Commission has also chosen not to capitalize "Post Office" when that term is used to denote a specific location or building, as in "Pace Post Office". Use without capitalization of "Pace post office" is incorrect by any measure as would also be true for "White house" or the "Washington monument." The Commission's choice not to capitalize "Post Office" also contrasts with what it publishes under *Trademark Notice* in the Mail Classification Schedule. This pleading capitalizes "Post Office" in all contexts, thereby acknowledging both the name of a specific place or location and the trademark underlying that term.

² These include (cover dates in parentheses): Town of Pace (October 25, 2011); Curtissia W. Allen, Town Clerk (October 18, 2011); Clotee W. Washington (October 14, 2011); Vietta A. Leflore (October 14, 2011); Christopher T. Hall (October 17, 2011); Mrs. Linda W. Hall (October 17, 2011); Charles Walker (October 17, 2011); Robert LeFlore, Jr. (October 17, 2011); Arie Roland (October 19, 2011) Robert LeFlore, Sr. (October 17, 2011); Mr. Marie Washington (October 19, 2011); Ruthie Williams Hall (undated, but with PAGR stamp November 11, 2011); and a Petition bearing approximately 200 signatures (bearing a PAGR stamp of November 7, 2011). All of these documents best resemble petitions rather than briefs or Forms 61.

this docket was later modified.³ These Comments respond to various allegations and arguments lodged by Petitioners themselves and in counsel's January 17 Initial Brief.

Before the Pace Post Office discontinuance study began, the Postal Service noted that three offices are within a 10 mile radius of one another (Item 21) and decided, based on the December 2010 retirement of the postmaster and sharply declining workload in a community from which residents already need to travel for access to essential services (groceries, gasoline, medical services, *etc.*), to examine the Pace Post Office for possible discontinuance. The discontinuance study proceeded through the usual measures including a "Dear Customer" letter to customers enclosing a blank questionnaire (with questionnaires available at the retail counter), a community meeting, and the posting of a formal proposal to go forward with discontinuance of the Pace Post Office.

The Pace community, consisting of several hundred persons, did not embrace the possible discontinuance, especially more senior customers who have built their daily calendars around visiting and socializing at the Post Office. Item 21. Customers accordingly expressed various concerns about the possible discontinuance, all of which the Postal Service was able to help customers manage or attenuate by various means. Items 22-23. Pace, an incorporated community with its own Town Hall, police and fire services, consists of

³ At the behest of counsel for Petitioners Robert LeFlore, Sr. and Curtissa W. Allen, with acquiescence by the Postal Service, Order No. 1118 established January 12, 2012 as the date for filing an initial brief, and January 19 for the Postal Service reply. Petitioners' Initial Brief was docketed on January 17, 2012.

residences and around 25 businesses, including 7 churches, various apartment buildings, and other active businesses. Items 15-18. Incoming mail volume is more than six times as much as outgoing volume, with relatively few parcels involved. Items 12-13.

Customers of the Pace Post Office are loud and clear in their opposition to discontinuance of the Pace Post Office.⁴ Petitioners variously assert that discontinuing the Pace Post Office will be hard on elderly residents, whose fixed, low incomes make visiting the (administrative) Cleveland Post Office, ten miles away, problematic.⁵ Those senior citizens have built life patterns around visits to the Post Office where conversation with others can be a feature of daily life. Replacement service consisting of a P.O. Box elsewhere or use of non-city carrier delivery to a roadside delivery receptacle is not welcomed primarily because it constitutes a change from the *status quo*, and would therefore bring change; delivery to roadside boxes, in particular, raises specters of mail security.⁶ Older customers, in particular, are outspoken as to their disinterest in facing change in their postal habits, or interaction between how postal services are provided and their community. Customers complain of the supposed need to travel to another office and the fear that roadside delivery receptacles are insufficiently secure. The incorporated town of Pace is itself declining (item 16), such that the loss of its Post Office is forecasted as hastening the town's demise.

⁴ The specific concerns identified in this paragraph are drawn from the various petitions filed in this docket.

⁵ None of them, however, appear to require special accommodations to access postal and related services. Item 15.

⁶ Yet there is no current, local indication of problems with mail security or roadside receptacles. Items 14-15.

Some think that the estimated cost savings are inaccurate. Customers object because of the perception that the discontinuance foists costs upon the community, which is especially objectionable because taxes long paid by the residents establish an entitlement to the persistent presence of a Post Office. Others suggest that the hours of operation be diminished in lieu of discontinuance.

With the exception of these last two concerns, all of these issues were raised, addressed, and documented during the discontinuance study, and thereafter considered by postal decision makers. Concerns raised by customers and acknowledged in the Proposal and Final Determination include access to nonpostal services⁷ (which may be available at other Post Offices, neighboring businesses and local government); the potential for loss of access to a bulletin board⁸ (also potentially available through other Post Offices and the local government); accommodation of those with disabilities⁹ (potentially mitigated by the avoidance of the need to travel to a Post Office for mail, access is available through a roadside receptacle, while customers can request hardship delivery through the administrative postmaster (although no current accommodations are apparently now provided (Item 16))); the dependability and regularity of rural carrier service¹⁰ (carriers have provided vital service regularly throughout our history that consistently draws the respect of customers, and the route is not

⁷ Within the first forty pages (a limit also applied in footnotes that follow) of Item 22, questionnaire responses, see pp. 1, 3, 11-13, 15-19, 21, 24-25, 33-35, and 38-39. As with these and later citations, these concerns are then reflected in the summary of issues raised by questionnaires (Item 24) and to some extent, the summary of issues raised at the community meeting (Item 25).

⁸ See Item 22, pp. 1, 5, 7, 9-11, 14-15, 17-19, 21-23, 25, 27, 29-31, and 34-37.

⁹ See Item 22, pp. 3-4, 6, 8, 11-12, 16-18, 22, 24, 33-36 and 39.

¹⁰ See Item 22, pp. 25, 9, 11-12, 15, 17-20, 22-29, 32, and 34-39.

overburdened (Item 15)); the needs of permit mailers¹¹ (whose requirements can be met by nearby offices); the availability of a bus stop¹² (which can be accommodated by contacting the school board and/or nearby businesses); security of the mail¹³ (to which all postal employees attend, and which customers can help control by using a P.O. Box or by putting a lock on their roadside receptacle); and the challenges of package delivery or pickup¹⁴ (parcels that fit can be left in roadside receptacle or the carrier can deviate up to ½ mile, Post Office can be called about parcel pickup, can be paid for via the rural carrier, and over 13 oz. parcels can be picked up if the shipper can be established).

In substance, customers of the Pace Post Office disagree with postal management's Final Determination to discontinue the office. While they are consistent and clear in their opposition, no specific flaws in the underlying discontinuance study are alleged beyond the fact that customers would weigh all of the facts differently so as to arrive at a different conclusion. However, the law directs Postal Service management to make its own decision so long as it has seriously considers the matters raised by customers; in this case, those who would decide otherwise must defer to the decision made by postal management. The issues raised on appeal were previously considered as part of the discontinuance study that led to the Final Determination to close the Pace Post Office.

¹¹ The fact that Pace Post Office has no current permit mailers (Item 15) did not deter customers from raising this concern (see Item 22, pp. 518, and 39).

¹² See Item 22, pp. 11, 17-18, 22, and 34-35.

¹³ See Item 22, pp. 15, 22, and 26.

¹⁴ See Item 22, p. 45.

As noted above, two of the concerns raised by customers on appeal were not considered in the administrative record: the discontinuance is inappropriate because it foists costs upon customers who are long term taxpayers, and the Postal Service should instead consider cutting back on hours. As a matter of law, customers may not raise issues for the first time on appeal because that could provide them an incentive not to give the agency an opportunity truly to consider those issues, and because customers were, in fact, given an opportunity to raise them. The issue of cost imposition on customers is not one that Congress ordained should be considered under 39 U.S.C. § 404(d). Instead, the economic impact requirement has long been applied as requiring evaluation of the economic impact upon the Postal Service. That does not mean the Postal Service is blind to impacts upon its customers; such a view would be utterly contrary to the customer service focus inherent in all postal operations, especially retail and delivery which reach customers directly; the Postal Service attempts to limit or mitigate such impacts by, for example, trying to avoid the need for customer address changes or (sometimes) changing the administrative office when that better matches customer preference. The Postal Service is fully expected to make cost effective decisions, and it is almost inevitable that changes in service do not have a favorable impact upon everyone. Yet in this case, customers complain that they will need to travel to and from a now more distant Post Office, thereby incurring the cost of transportation and gasoline. But the Postal Service has already provided customers alternatives that would obviate going to that other office: delivery to a roadside receptacle and Stamps

By Mail are examples. The suggestion about cutting hours of operation rather than discontinuing operations altogether is a reasonable one; however, only more recently has that become a more active goal of postal management, one that may well see increased use in the future (as Commissioners have been made aware outside this proceeding). Since it was not raised during the discontinuance study, it should be no surprise that it was not considered in making the decision to close the Pace Post Office.

The January 17 Initial Brief of certain Petitioners does a fine job of revisiting most of the same arguments Petitioners/customers raised, augmenting them with citations to applicable law—sometimes creatively, while really just disagreeing with the decision Postal Service officials alone are required to make regarding discontinuance of respective Post Offices. The Initial Brief begins its argument by finding fault regarding the supposed effects discontinuance of the Pace Post Office effects upon residents of two nearby communities, Symonds and Malvina, that counsel asserts make use of the Pace Post Office.¹⁵ Initial Brief (IB) at 5-6. While that concept of community may stretch the statutory reach a bit, the fact is that the Postal Service included customers from those locations to the extent they were both interested and active in the discontinuance study. Two women (who share the same surname and address) provided

¹⁵ This section of the Initial Brief cites to Wikipedia as the source of information about Symonds and Malvina; that source, of course, is not part of the administrative record and cannot therefore be used as if it were. As such, these arguments technically lack substantial record evidence supporting the conclusions the Commission is urged to reach. This shortcoming is true of virtually all of the factual assertions made in the Initial Brief. That point, while raised here and not repeated at each possible opportunity, is one that the Postal Service relies upon for any factual assertion not supported by record evidence. But extensive repetition of the point is not otherwise constructive so the Postal Service arguments instead point out why those arguments, even were they supported by record evidence, are not persuasive.

questionnaires (see Item 22 (dear customer letters responding to those who submitted questionnaires) at 4-5) in which they expressed concerns about the possible discontinuance; while their address is on Symonds Road, their city name is “Rosedale”, so it is not clear whether these women are among those the Initial Brief expresses concern about. One Cleveland resident who has a P.O. Box in the Pace Post Office, for example, also participated in the discontinuance study. Item 21, at 2. But the point is that to the extent such customers use P.O. Box service at the Pace Post Office, or picked up a questionnaire from the retail counter—in other words, to the extent they actually make use of the Pace Post Office—their concerns were heard and considered as part of the Postal Service evaluation whether to discontinue the Pace Post Office. Hence customers of these nearby locations were afforded the same opportunities to participate in the discontinuance study and make known their interests and concerns as any other resident of Pace, customers in other nearby communities, or customer of the Pace Post Office.

The Initial Brief, at 6-7 goes on to discuss the issue of race relations, augmenting the point also made by the Town of Pace that the Pace Post Office serves as a “neutral safe haven” for race relations (the Initial Brief, at 4, also presents extra-record information regarding the racial makeup of the town). This issue is not one that customers raised very high in the administrative record; as such, it was not a real focus of Postal Service consideration. Notwithstanding, one benefit of the Handbook PO-101 discontinuance process is that the data collection phase of each discontinuance study is undertaken by local postal

officials who **are** more familiar with the local context. So if, as counsel alleges in the Initial Brief (at 6), the “issue of race ... is engrained in the crevasses of its [Mississippi] creation” the study was undertaken with awareness of the issue. Yet, as the Commissioners can recognize, the Postal Service has been a leader in providing opportunities to all races; and for better or worse, Post Office discontinuance is an opportunity that can be visited upon local communities all over the country. The Postal Service approach to discontinuance is race neutral, giving customers throughout the domestic service area a chance of experiencing that possibility. If the Pace Post Office is discontinued, then postal services generally, whether they be transacted at nearby Post Offices or when customers meet the non-city delivery carrier (or via alternative means), will continue to provide an opportunity for races to interact together.

Next, the Initial Brief moves to an argument that the Postal Service has not considered the effect of discontinuance on local businesses (IB at 7). Yet no business was excluded from the study, and any who were interested could and did participate. Persons who work at businesses filled out questionnaires and may also have attended the community meeting (even if they signed in as individuals). The business use of the Pace Post Office was documented from business records, and a list of nearby businesses was compiled for consideration. Item 16. While the Initial Brief claims that rural delivery is “not an adequate alternative” for businesses (IB at 7), that has not proven true throughout the rest of the nation where rural carriers have long provided regular and effective service. Customer questionnaires raised the issue of the

dependability and reliability of non-city delivery (Item 22 at 2, 5, 9, 11-12, 15, 17, 20, 22., *etc.*) drawing responses about the long and successful use of rural and HCR (non-city) carrier delivery. What is perhaps more important to the discontinuance of the Pace Post office is the complete absence of businesses that offer grocery, fuel or medical services (Item 18), which ensures that customers must travel to other communities to access essential services. This necessity mitigates any negative impact discontinuance of the Pace Post Office might have on residents, the community, businesses themselves, and the provision of postal services. The Postal Service thus included local businesses in its discontinuance study and has accordingly taken into consideration impacts upon business and other customers. The Initial Brief argues that businesses' "loss of a continuous address will most assuredly be a problem for businesses." Aside from the fact that any such assurance is not in the administrative record, this assertion is plain wrong. The Postal Service recognizes the value of address stability for all customers, not just businesses; moreover, every delivery customer can and usually does maintain continuous access to the mail, even when address changes arise. Change of address orders are one common tool to manage address changes. Millions of business and residential customers routinely manage their address changes each year using that and other tools. Moreover, with the advance notice inherent in any Post Office discontinuance, business and residential customers are able to exercise control over their inventories of addressed envelopes, stationery, *etc.* so as to minimize the costs of any address change. Nor will any customers lose the ability to send out bulky

mail, as the Initial Brief also claims. *Id.* This can be managed by putting materials in the delivery receptacle, meeting the carrier, scheduling carrier pickup, or even by going to a nearby postal facility. Customers will not, therefore, lose access to the mail as the Initial Brief seems to claim.

The Initial Brief (at 8) asserts that locked mailboxes are insecure and impractical because the carrier, who lacks a key, cannot place mail in the box. However, counsel apparently misunderstands what a locked mailbox provides. A locked mailbox can be served by a carrier through a slot in the carrier. Mail is placed in the box but mail can only be removed by someone who has the key to open the lock.

The Initial Brief (at 8-9) further argues that costs incurred by customers are somehow inappropriate. Yet customers invariably incur costs in terms of time and resources both to send and receive mail. The applicable statute requires consideration of the economic savings for the Postal Service. 39 U.S.C. § 404(d)(2)(A)(iv). The Postal Service certainly seeks to avoid imposing costs upon customers; the record shows, for example, that customers will not need to drive separately on round trips to one of the nearby Post Offices since they can send and receive mail through delivery receptacles. Moreover, they already need to access essential services such as groceries, gasoline and medical services, none of which are available in the Pace community. Item 18. So should customers choose to make use of a Post Office, such travels need not be undertaken for the sole purpose of visiting a postal facility (although they certainly remain free to make that choice). Customers who choose non-city

delivery (and who do not already receive it) will indeed need to procure and erect mailboxes (and its location should be determined with the assistance of the postmaster). While this cost is real, it is also modest and one borne by many millions of customers throughout the nation at some point in their lives. The Initial Brief goes on to assert that “many youths will find fun in knocking the mailboxes down.” (IB at 9.) While record evidence indicates, if anything, to the contrary (Items 14 and 15), this does not mean residents will avoid all such challenges. But the Postal Service has already informed customers of their options as to how best this can be managed, including use of a locked box, meeting the carrier, or using P.O. Box service. See, e.g., Item 22, p. 15; Item 25, p. 1; FD, section VI. Cluster box units (FD, section I) are also helpful in managing this type of concern.

The Initial Brief makes various other arguments, all of which lack merit. It asserts, (IB at 10) for example, that work performed by the OIC will need to be performed elsewhere. Most of that work would in fact be performed by the non-city carrier, including sortation of mail to delivery point and retail transactions while out on delivery (some transactions are completed over two days and involve work both at a customer location and in the Post Office).¹⁶ But a premise of essentially all Post Office discontinuances is that excess capacity at the

¹⁶ The incremental cost to the carrier of doing this work will only be known after customers make their choice as to their preferred free form of delivery (P.O. Box or carrier delivery), and adjustments to the route including installation of any CBUs are determined. These non-zero costs will be modest, as shown by the standard form that appears in this record (Item 17) and others. But those costs' magnitude will not impact the overall conclusion that tens of thousands of dollars per year will be saved by discontinuing the Pace Post Office.

gaining office(s) is available to absorb the modest workload,¹⁷ with most of the cost savings arising from elimination of the need to pay the salary of the permanent position being eliminated. The Initial Brief also asserts (IB at 10) that labor to sort outgoing mail from collection boxes will also be necessary; yet such mail need not be sorted since it is routinely taken to the nearest plant where it is put through the AFCS and canceled, with additional processing steps that follow. So while the Initial Brief is correct in that work done beforehand still needs to be done, that work can readily be absorbed by existing resources. As such, they will cost the same or less afterwards than they do before discontinuance; since no real change occurs the long-accepted discontinuance procedures do not examine these in detail.

Contrary to the arguments beginning on page 12 of the Initial Brief, the Postal Service has considered all of the statutory factors required of discontinuance studies. It has considered the effect on the community (FD sections 1 and 2), the effect upon employees (FD section 3), section 101(b) (see, e.g., FD section II, concern 6), and economic savings to the Postal Service (FD, *passim*). No other specific factor warranting consideration were identified. This study was accordingly conducted in full accord with applicable law and the procedural requirements of Handbook PO-101.

In the last paragraph on page 13, the Initial Brief summarizes the arguments it lodges in opposition to discontinuance of the Pace Post Office by asserting, “The conclusion of the USPS to close the [P]ost [O]ffice is not

¹⁷ Documentation of this general truth will improve in discontinuances supported by the revised version of CSDC that the Commission should see in connection with RAOI offices.

supported by substantial evidence in the record, because the record evidence indicates that adverse impacts will occur . . .” This argument misses the point: the Postal Service is not obliged to ensure that no negative impacts occur; it must only identify and consider them. As a practical matter, any discontinuance study also amounts to an effort to provide customers with mitigation or management strategies that allow customers to minimize any negative impacts they perceive. But the law give the Postal Service, not Petitioners, the legal obligation and right to make a final agency decision. And that is all and only what it has done here.

The Pace Post Office¹⁸ is an EAS-11 office providing service from 7:30 to 12:00 noon, and 1:00 – 4:15 p.m. Monday through Friday. On Saturdays, the office is open from 7:30 – 10:00 a.m.. Lobby hours run from 7:30 until 4:30 daily, and 7:30 – 9:30 on Saturdays. Retail window traffic averages 76 daily transactions for a total workload service credit of 96 minutes. Office revenue has dropped sharply from \$27,554 (72 revenue units in 2008); to \$24,4425 (64 revenue units in 2009); to \$22, 099 (58 revenue unites in FY 2010). The Pace Post Office provides P.O. Box service to 201 customers, but no other delivery customers; it serves no permit or meter customers. Pace itself is an incorporated municipality that provides its own police and fire services, and schools. Pace is described as being in the Mississippi River delta, which it is based on the local geography despite its being many miles from the Gulf coast.

¹⁸ Facts recited in this and the following paragraphs appear in the Final Determination, Proposal and in Items 12-18.

Two Post Offices are identified as providing replacement services, the EAS-20 Cleveland Post Office located ten miles away, and the EAS-11 Beulah Post Office located seven miles away; the former, with its size and substantial carrier operations, will serve as the administering office for customers in the vicinity of the Pace Post Office. Two hundred one customers now obtain P.O. Box service at the Pace Post Office. While the sum of available boxes at the Beulah Post Office (27) and Cleveland Post Office (140) is less than the total at the Pace Post Office, that cannot prove to be a problem for two good reasons. First, given the customer opposition to traveling to another Post Office and clear expectation in the FD and customer communications that customers will choose non-city carrier delivery, overall demand for P.O. Boxes will diminish; second, should the need arise, postal officials can expand the number of boxes available.¹⁹

In this case, postal officials utilized the soon-to-be-outdated method of calculating the economic savings associated with discontinuing the Pace Post Office.²⁰ As such, the economic savings were calculated primarily by using the salary and benefits of an EAS-11 postmaster (the value of the career job being

¹⁹ In cases many years ago, the capacity of each succeeding facility's box section and whether it had room for additional boxes was an issue warranting examination. Today, cluster box units (CBUs) also come in a form that lends itself to freestanding P.O. Box service (so-called "swivel boxes"); as such, should the need to install additional boxes arise, management has additional options that ensure capacity can be made available to meet the total need even when respective facilities' capacity utilization is already maximized.

²⁰ Introduction of "CSDC II", about which witness Granholm testified during his appearance on the stand in Docket No. N2011-1 (Retail Access Optimization), brings with it a revised algorithm for calculation economic impact that relies upon data elements chosen by officials in finance. As Mr. Granholm testified, those changes were driven, in part, by the PRC's Opinion in SBOC (Docket No. N2009-1). While the recently imposed moratorium on Post Office closings likely postpones the Commission's experience with those updates, it cannot be a surprise that the Postal Service continues to use method it has otherwise used for decades—largely with the Commission's agreement expressed via affirmations.

eliminated by the Pace Post Office's discontinuance) plus the annualized lease costs avoided. As in many other cases, the calculation of savings does not address the costs of replacement service, possible changes in P.O. Box fee payments,²¹ or any of the items examined by CSDC II. The Commission has seen in this (Item 17) and other cases how the costs of replacement service are or can be calculated. With respect to replacement service for customers of the Pace Post Office, any calculation would be speculative at this time. Once customers make actual choices (P.O. Box at the Beulah or Cleveland Post Offices, or non-city carrier delivery that emanates from the Cleveland Post Office), calculations are at least enabled. Such costs are likely to be a small, but not insubstantial, portion of the over \$40,000 savings projected just from the postmaster's salary. Hence the calculation of savings, which the law does not require be precise or recoverable,²² allows but one conclusion about its sign (positive) and magnitude (tens of thousands of dollars annually). This analysis of the economic impact upon the Postal Service thus fully complies with all statutory and regulatory requirements.

The discontinuance study began, as provided under then-applicable regulations, subsequent to the December 28, 2010 retirement of the former

²¹ In this instance, the two neighboring Post Offices use the same P.O. Box fees as the Pace Post Office. Item 15.

²² Section 404(d)(2)(A)(iv) only requires the Postal Service to consider "the economic savings to the Postal Service resulting from such closing or consolidation." It does not require that such costs be recoverable, measured by just one or another kind of employee's salary, a conservative underestimate or an aggressive overestimate, or anything else. The estimates of economic impact, including the one in the FD here, conform to the very calculation that the Commission has found sufficient for decades. Its continued use violates no statutory or regulatory principle, nor any policy. Its use at least up through discontinuance studies applying the revised regulatory requirements embodied by changes to 39 C.F.R. Pt 241.3 from July 2011 should accordingly be affirmed.

postmaster. Its revenues were declining steadily and it was one of three offices examined because of their close proximity to one another (Item 21) and apparently the only one chosen as the object of a discontinuance study. Replacement service would be provided by rural carrier, who also provides ready access to retail services. Customers can get 24 hour access to their mail while avoiding any need to travel to a Post Office. Most transactions do not require meeting the carrier. But customers can also continue to obtain P.O. Box service at a nearby Post Office; this might be more convenient either to customers who live in that vicinity (see Item 22, p. 2) or those who routinely travel that way. Since no grocery, medical or gasoline service is available in Pace (Items 14-16), customers must already travel for other services.

The only career employee, those whose situation requires consideration under section 404(d)(2)(A)(ii), has already retired. Former regulations enabling this section, found in 39 C.F.R. 241.3, effectuated a sometime finesse of this statutory requirement and ensuring that no career employee would be impacted in many discontinuance studies by the simple measure of making a vacancy a possible trigger for the conduct of a discontinuance study. That very trigger was utilized in this case; hence there is no impact upon career employees. The temporary employee now in the Pace Post Office will either be terminated or transferred to an available position upon the formal discontinuance of the Pace Post Office. The Postal Service cares for its employees, and therefore attempts to minimize impacts upon them, especially the potential loss of a position, whether the employee is career or noncareer.

The Final Determination to close the Pace Post Office thus properly rests on substantial record evidence found in the administrative record; the Postal Service provided customers the requisite notice of its intentions by means of a letter and meeting, and formal posting or a proposal and final determination, and it has solicited and considered customer input and feedback to arrive at its conclusions, so the Postal Service has followed and observed the procedures called for by law. Finally, by sharing with customers its plans, considering their input and explaining its decisions, the Final Determination is neither arbitrary nor capricious. The Commission should accordingly affirm the Final Determination to discontinue the Pace Post Office.

Respectfully submitted,

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